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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 9 September 2014 from the Permanent Mission of Congo to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of the Congo to the United Nations presents its compliments to the President of the General Assembly and has the honour to inform him that the Government of the Republic of the Congo has decided to put forward its candidature for re-election to the Human Rights Council, for the period 2015-2017, in the elections to be held in New York in November 2014.

In that connection, the Permanent Mission of the Republic of the Congo is pleased to attach herewith an aide-memoire detailing the efforts of the Republic of the Congo to promote and protect human rights, both nationally and internationally, and the commitments it has undertaken in view of a second term (see annex).

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Annex to the note verbale dated 9 September 2014 from the Permanent Mission of Congo to the United Nations addressed to the President of the General Assembly

Candidature of the Republic of the Congo for a second term on the Human Rights Council

The Republic of the Congo declares its candidacy for re-election to the Human Rights Council as a testament to its commitment to the promotion and protection of human rights and fundamental freedoms.

Internally, the Constitution of the Congo is a legal instrument that enshrines its commitment to the universal values of peace, freedom, equality, justice, tolerance and probity, and to the virtues of dialogue. It guarantees all citizens' civil, political, economic, social and cultural rights.

In addition, the Republic of the Congo is a party to the main international instruments of the International Bill of Human Rights, namely:

- The Universal Declaration of Human Rights
- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights.

It is also a party to the African Charter on Human and Peoples' Rights.

The Republic of the Congo has participated in and has been a member of several international and regional bodies that work towards the improvement of the human rights situation around the world (the Security Council, the Office of the United Nations Commissioner for Human Rights and the African Commission on Human and Peoples' Rights, as well as specific bodies of the International Labour Organization, the United Nations Children's Fund, and the International Organization for Migration).

On 20 May 2011, the Republic of the Congo was elected to the Human Rights Council of the United Nations for the period 2011-2014.

It is a party to the following international human rights instruments:

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The Convention on the Elimination of All Forms of Discrimination against Women
- The Convention on the Rights of the Child
- The African Charter on the Rights and Welfare of the Child
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (New York, 25 May 2000)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol, 15 November 2000)

- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (New York, 25 May 2000)
- The Rome Statute of the International Criminal Court
- The Convention on the Rights of Persons with Disabilities.

The Republic of the Congo is in the process of ratifying other international human rights conventions.

I. Improvement of the legal and institutional framework for the promotion and protection of human rights

The legal and institutional framework for the promotion and protection of human rights has been improved and expanded through the consolidation of the national human rights protection system, with the full participation of civil society.

This has led to:

- The creation of national institutions for the promotion and protection of human rights.
- The adoption of a legislative and regulatory framework covering the status of women, children and vulnerable persons. It includes the following acts and decrees:
  - Act No. 9-2001 of 10 December 2001 (Electoral Law), amended by the Act dated 25 May 2007, imposing quotas for women's representation on political party lists, failing which the lists shall be considered invalid. These quotas are 15 per cent for legislative elections and 20 per cent for local elections.
  - Act No. 5-2001 of 25 February 2011 on the promotion and protection of the rights of indigenous peoples.
  - Act No. 4-2010 of 14 June 2010 on child protection in the Republic of the Congo.
  - Act No. 30-2011 of 3 June 2011 on combatting HIV/AIDS and protecting the rights of persons living with HIV.
  - Act No. 5-2009 of 22 September 2009 on corruption, misappropriation of public funds, fraud and related offences.
  - Decree No. 2011-493 of 29 July 2011 instituting free treatment in cases of caesarean section, ectopic pregnancy, emergency treatment for infants born by caesarean section and other major obstetric surgeries.

The provisions of various international conventions to which the Congo is a party are being progressively incorporated into domestic legislation. Reforms are being initiated in order to upgrade the legal arsenal, including through the review of the following codes:

- Penal Code
- Code of Penal Procedure
- Civil Code

- Code of Civil Procedure
- Family Code
- Administrative Code
- Code of Judicial Organization
- Prison Code.

II. Cooperation with international and regional human rights bodies and technical cooperation

The Republic of the Congo, which has been actively involved in the first and second cycles of the universal periodic review, has also strengthened its cooperation with international and regional human rights mechanisms.

Likewise, it has increased cooperation with treaty bodies by submitting national reports to the following committees:

- Committee on the Elimination of Racial Discrimination
- Committee on the Elimination of Discrimination against Women
- Committee on the Rights of the Child
- Committee on Economic, Social and Cultural Rights
- Committee against Torture.

Over the past few years, in the framework of its cooperation with the special procedures of the Human Rights Council, the Congo was visited by:

- The Special Rapporteur on the rights of indigenous peoples, Mr. James Anaya, from 2 to 12 November 2010.
- The Working Group on Enforced or Involuntary Disappearances, from 24 September to 3 October 2011.

The Republic of the Congo has always supported the efforts of the African Commission on Human and Peoples' Rights to protect human rights, as demonstrated by the following activities:

- The hosting of the forty-second ordinary session of the African Commission on Human and Peoples' Rights in Brazzaville in 2007.
- The organization of a regional sensitization seminar on the rights of indigenous populations/communities in Central and East Africa, in Brazzaville in August 2011.
- A research and information-gathering visit to the Republic of the Congo by the Working Group of the African Commission on indigenous populations/communities in Africa in 2010.
- The hosting, from 11 to 15 March 2013, of a preparatory session ahead of the twelfth session of the United Nations Permanent Forum on Indigenous Issues.

- The organization of the three sessions of the International Forum for Indigenous People of Central Africa, in Impfondo (Likouala department), from 5 to 10 March 2007, from 15 to 19 March 2011 and from 4 to 7 March 2014.

In the framework of its cooperation with international institutions, in 2013 the Republic of the Congo received support from the International Organization for Migration and from the United Nations Office on Drugs and Crime, for capacity-building for the judiciary and law enforcement personnel in the area of child trafficking. The Congo intends to continue this cooperation.

III. Voluntary commitments

The Government of the Republic of the Congo reiterates its commitment to the various human rights protection mechanisms and to the universal periodic review process.

It reiterates its commitment to strengthening the role of the Human Rights Council.

The Republic of the Congo undertakes to:

- Implement universal periodic review recommendations as well as those of other treaty bodies.
- Work towards the consolidation and increased effectiveness of the actions of the Human Rights Council and its mechanisms.
- Contribute to enhancing the objectivity and non-politicization of the Human Rights Council.
- Submit regular national and periodic reports to treaty bodies and to step up its efforts to ratify the international human rights instruments to which it is not yet a party.
- Combat all forms of discrimination.
- Adopt a national human rights action plan.
- Adopt a plan of action to combat racism and all forms of discrimination.
- Start a national dialogue on the abolition of the death penalty in the Congo.
- Introduce human rights training and education in all sectors of society.
- Continue its efforts to improve the justice and prison system.
- Further develop programmes to combat poverty and inequality.
- Strengthen the legislative framework to curtail human trafficking and sexual violence.
- Continue and expand anti-corruption programmes.